

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHELLE PULLER-SOTO, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

UNITE HERE,

Defendant.

Case No. 1:24-cv-01565

~~[PROPOSED] ORDER GRANTING
PLAINTIFFS' UNOPPOSED MOTION TO
CONSOLIDATE RELATED ACTIONS AND
TO APPOINT INTERIM
CO-LEAD CLASS COUNSEL~~

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TAMIKO CONWAY, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

UNITE HERE,

Defendant.

Case No. 1:24-cv-01904

Having reviewed plaintiffs Michelle Puller-Soto's and Tamiko Conway's (collectively, "Plaintiffs") *Unopposed Motion to Consolidate Related Actions and for Appointment of Interim Co-Lead Class Counsel*, the Court hereby orders as follows:

I. CONSOLIDATION

1. Pursuant to Rule 42 of the Federal Rules of Civil Procedure, the following actions are hereby related and consolidated for all purposes, including for pre-trial proceedings and trial:

CASE NAME	CASE NUMBER	DATE FILED
<i>Puller-Soto v. UNITE HERE</i>	1:24-cv-01565	February 29, 2024
<i>Conway v. UNITE HERE</i>	1:24-cv-01904	March 13, 2024

2. Every pleading filed in these consolidated actions, or in any separate action included herein, shall bear the following caption:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re UNITE HERE DATA SECURITY
INCIDENT LITIGATION

Lead Case No. 1:24-cv-01565

(Consolidated with Case No. 1:24-cv-01904)

CLASS ACTION

This Document Relates To:

ALL ACTIONS.

3. The file in *Puller-Soto* shall constitute the master file for every action in the consolidated action. The Clerk shall administratively close the *Conway* action. When a document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the phrase "This Document Relates To." When a pleading applies to some, but not all, of the actions, the document shall list, immediately after the phrase "This Document Relates To," the docket

number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said action;

4. All data breach class actions on behalf of victims of Defendant's data breach subsequently filed in, or transferred to, this District shall be consolidated into this action;

5. This Order shall apply to every such action, absent an order of the Court. A party objecting to such consolidation, or any other provisions of this Order, must file an application for relief from this Order within ten days after the action is consolidated into this action; and

6. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, with good cause shown.

7. Plaintiffs shall file and serve a Consolidated Class Action Complaint in this case within 30 days of the date of this Order approving consolidation. Defendant shall then file an answer or otherwise respond to the Consolidated Class Action Complaint within 45 days of the filing of the Consolidated Complaint. Plaintiffs shall then have 30 days to file a response to any motion to dismiss or similar motion filed in response to the Consolidated Class Action Complaint, and Defendant may file a reply in support of any motion to dismiss or similar motion within 21 days of Plaintiffs' opposition.

8. Defendant need not file a response to the initial complaints in *Puller-Soto* or *Conway*.

II. APPOINTMENT OF INTERIM CO-LEAD CLASS COUNSEL

9. Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, the Court hereby appoints the following as Interim Co-Lead Class Counsel for the proposed Class:

SIRI & GLIMSTAD LLP

- a. Mason Barney
- b. Tyler Bean

MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, PLLC

a. John J. Nelson

10. Interim Co-Lead Class Counsel shall have the following responsibilities and duties specified below, to be carried out either personally or through designated counsel:
- a. Initiate, brief, and argue motions on behalf of the respective Class on all matters arising during pre-trial proceedings, and prepare, serve and file opposing briefs in proceedings initiated by other parties;
 - b. Represent the respective Class at pre-trial, scheduling and status conferences;
 - c. Coordinate the initiation and conduct of discovery on behalf of the respective Class;
 - d. Conduct settlement negotiations with Defendant's counsel, execute necessary settlement documentation, and present any formalized settlement to the Court on behalf of the respective Class;
 - e. Call and conduct meetings of respective plaintiffs' counsel when appropriate;
 - f. Delegate specific tasks to other counsel or committees of counsel that Interim Co-Lead Class Counsel may establish as appropriate, in a manner to ensure that pre-trial preparation for the Class is conducted efficiently, effectively, and without duplication;
 - g. Employ and consult with experts;
 - h. Coordinate pre-trial activities and plan for trial;
 - i. Conduct trial and post-trial proceedings;
 - j. Prepare and distribute periodic status reports to the parties;
 - k. Allocate fees among the various firms doing work in the case, on behalf of the Class, if any are awarded by the Court;

- l. Perform such other duties as may be incidental to proper coordination of the Class's pre-trial activities or are authorized by further order of this Court;
- m. Coordinate and communicate with Defendant's counsel and the Court with respect to the matters addressed in this paragraph;
- n. Distribute all notices, orders and decisions of the Court to all plaintiffs' counsel to the extent not communicated directly by the Court;
- o. Maintain and distribute a master service list of all parties and their respective counsel;
- p. Receive orders, notices, correspondence and telephone calls from the Court on behalf of the Class, and prepare and distribute the same to all Class counsel upon direction from the Court; and
- q. Perform other such duties and undertaking other responsibilities as are necessary or desirable in connection with the prosecution of the litigation.

11. Interim Co-Lead Class Counsel shall have sole authority to communicate with Defendant's counsel, any third-parties, and the Court on behalf of all plaintiffs in the putative Class. Defendant's counsel may rely on all agreements made with Interim Co-Lead Class Counsel and such agreements shall be binding on all counsel for the Class.

IT IS SO ORDERED.

DATED: _____

4/5/24



THE HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE